

Assembly Bill No. 1373

Passed the Assembly July 13, 2005

Chief Clerk of the Assembly

Passed the Senate June 27, 2005

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 2005, at ____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act relating to state employees, and making an appropriation in augmentation of Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section 2.00 of the Budget Act of 2005, to take effect immediately as an appropriation for the usual and current expenses of the state.

LEGISLATIVE COUNSEL'S DIGEST

AB 1373, Umberg. State employees: memoranda of understanding.

Under existing law, a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions that require the expenditure of funds of a memorandum of understanding entered into between the state employer and State Bargaining Unit 7, and would provide that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act.

The bill would provide that provisions of the memorandum of understanding approved by this bill that require the expenditure of funds will not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would authorize the state employer and the affected employee organization to reopen negotiations on all or part of the memorandum of understanding if the Legislature does not approve or fully fund any provision of the memorandum of understanding that requires the expenditure of funds.

This bill would appropriate \$15,652,000 from the General Fund, unallocated special funds, and other unallocated nongovernmental cost funds, as scheduled, in augmentation of specified items in the Budget Act of 2005 for state employee compensation to implement the memorandum of understanding approved by this bill.

This bill would declare that it is to take effect immediately as a statute providing an appropriation for the usual and current expenses of the state.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that the purpose of this act is to approve the provisions of an agreement pursuant to Section 3517.6 of the Government Code entered into by the state employer and State Bargaining Unit 7 that require the expenditure of funds.

SEC. 2. The provisions of the memorandum of understanding prepared pursuant to Section 3517.5 of the Government Code and entered into by the state employer and State Bargaining Unit 7, the California Union of Safety Employees, on May 9, 2005, and that require the expenditure of funds, are hereby approved for the purposes of Section 3517.6 of the Government Code.

SEC. 3. The provisions of the memoranda of understanding approved by Section 2 of this act that are scheduled to take effect on or after July 1, 2005, and that require the expenditure of funds, shall not take effect unless funds for these provisions are specifically appropriated by the Legislature. If the Legislature does not approve or fully fund any provision of the memorandum of understanding that requires the expenditure of funds, either party may reopen negotiations on all or part of the memorandum of understanding.

SEC. 4. Notwithstanding Section 3517.6 of the Government Code, the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

SEC. 5. The sum of fifteen million six hundred fifty-two thousand dollars (\$15,652,000) is hereby appropriated for expenditure in the 2005–06 fiscal year in augmentation of, and for the purpose of state employee compensation, as provided in, Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section 2.00 of the Budget Act of 2005 to implement the

provisions of the memorandum of understanding approved by this act in accordance with the following schedule:

(a) Three million nine hundred fifty-seven thousand dollars (\$3,957,000) from the General Fund in augmentation of Item 9800-001-0001.

(b) Seven million four hundred eighty-five thousand dollars (\$7,485,000) from unallocated special funds in augmentation of Item 9800-001-0494.

(c) Four million two hundred ten thousand dollars (\$4,210,000) from other unallocated nongovernmental cost funds in augmentation of Item 9800-001-0988.

SEC. 6. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

Approved _____, 2005

Governor